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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 LATARA BIAS, ERIC BREAU, and
12 NAN WHITE-PRICE, individually, and on
13 behalf of other members of the general
14 public similarly situated,

15 Plaintiffs,

16 vs.

17 WELLS FARGO & COMPANY, a
18 Delaware corporation, and WELLS
19 FARGO BANK, N.A., a national
20 association,

21 Defendants.
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Case Number: 4:12-cv-00664-YGR
CLASS ACTION

**[PROPOSED] ORDER RE: THIRD
PARTY VENDOR SUBPOENAS
SERVED BY PLAINTIFFS**

Judge: Yvonne Gonzalez Rogers
Action Filed: February 10, 2012
Trial Date: None Set

1 On January 24, 2014, at 3:30 pm, this Court held a telephonic hearing on the Joint
2 Letter Brief dated January 14, 2014 (Dkt. 69) (the “Joint Letter Brief”) submitted in *Ellis*
3 *et al. v. J.P. Morgan Chase & Co. et al.*, (N.D. Cal. Case No. 4:12-cv-03897-YGR by
4 Plaintiffs Diana Ellis, James Schillinger, and Ronald Lazar (“Plaintiffs”) and Defendants
5 JPMorgan Chase & Co., JPMorgan Chase Bank, N.A. (“Chase Defendants”) pursuant to
6 Rule 8.b of this Court’s Standing Order in Civil Cases. The Joint Letter Brief addressed
7 discovery disputes regarding the 26 subpoenas served by Plaintiffs in the *Ellis* action
8 during the weeks of December 9 and 16, 2013 on third party vendors (“Subpoenaed Third
9 Parties”). Daniel Alberstone and Roland Tellis of Baron & Budd, P.C., and David
10 Parsiola and Andrew Cvitanovic of Cossich, Sumich, Parsiola & Taylor LLC and Charles
11 Colvin of Kingsmill Riess, LLC, appeared on behalf of Plaintiffs. Peter Obstler and Jee
12 Young You of Arnold & Porter, LLP appeared on behalf of Defendants. Also on the call
13 was Rebecca Snavelly Saelao of Severson & Werson on behalf of Wells Fargo &
14 Company and Wells Fargo Bank, N.A., defendants (“Wells Fargo Defendants”) in this
15 action.¹

16 After reviewing the Joint Letter Brief, as well as “Exhibit A” to the subpoena
17 served on one of the Chase Defendants’ vendors that was attached to the Chase
18 Defendants’ separate letter of that same date (Dkt. 70), and which is identical to the 21
19 subpoenas served in December 2013 by Plaintiffs on the Wells Fargo Defendants’
20 vendors in this action , and considering the oral arguments of counsel, the Court rules as
21 follows:

- 22 1. For purposes of clarity, “Exhibit A” is attached to this Order.
- 23 2. The Court shall pursue a phased approach in addressing the parties’ disputes
24 concerning these third party vendor subpoenas. For the first phase (“Phase
25 I”) the Court limits the scope of the subpoenas as specified in this Order, but
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27 ¹ On January 24, 2014, the Wells Fargo Defendants filed a partial joinder to the Joint Letter Brief, joining
28 in Sections 1 and 2 of the Joint Letter Brief.

1 may reconsider its ruling as referenced below at a later date. The Court may
2 hold another hearing after Phase I, and may implement a “Phase II” relating
3 to the third party vendor subpoenas.

- 4 3. Request Nos. 1, 5, 6, 7, 8, 9, 10, 11 and 14 shall be complied with as drafted,
5 using the RELEVANT TIME PERIOD as defined in the subpoenas, and
6 without any limitation concerning the type of default-related service. To
7 address issues of privacy, any production pursuant to the requests for
8 “EXEMPLARY SAMPLING” shall be produced subject to redactions of
9 non-public, private, and identifying information of the borrowers.
- 10 4. During this initial phase, Request Nos. 2, 3, and 4 shall be limited to
11 documents pertaining to broker’s price opinions, appraisals and property
12 inspections only, using the RELEVANT TIME PERIOD as defined in the
13 subpoenas. The phrase “default-related services” is stricken from Requests
14 Nos. 2, 3, and 4 during this phase. If a document produced in response to
15 these requests mentions multiple default-related services, however, it must be
16 produced in its entirety without redaction. The Court may reconsider its
17 ruling on these requests at a later date.
- 18 5. Request Nos. 12 and 13 are overbroad as drafted and, therefore, the
19 subpoenaed parties are not required at this time to produce any documents in
20 response during this phase.
- 21 6. Plaintiffs shall, if they have not already done so, serve an interrogatory on
22 each of the Defendants in the related actions, asking them to identify all
23 default-related services for which borrowers’ accounts are charged by
24 Defendants. Defendants shall fully respond to that interrogatory.
- 25 7. Once Defendants have fully responded to the interrogatory referenced in
26 paragraph 7 above and the Subpoenaed Third Parties have produced all
27 documents consistent with the Court’s Order above, the parties **shall meet**
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1 and confer and determine whether further Court intervention is
2 required.

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4 **IT IS SO ORDERED.**

5 Dated: January 29, 2014

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7 YVONNE GONZALEZ ROGERS
8 UNITED STATES DISTRICT COURT JUDGE
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